

Message Text

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62

ACTION L-02

INFO OCT-01 ARA-06 ISO-00 JUSE-00 SCA-01 PA-01 PRS-01

USIA-06 CPR-01 /019 W

----- 037816

R 032150Z JUN 75

FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC 3474

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EP 11652: NA

TAGS: CI, PFOR

SUBJ: EXTRADITION TREATY NEGOTIATIONS - CHILE

REF: A. STATE 127806; B. SANTIAGO 3635

1. FONMINISTRY RELEASED SHORT PRESS STATEMENT JUNE 2 ANNOUNCING INDEFINITE POSTPONEMENT FOR TECHNICAL REASONS, OF TREATY SIGNING "SCHEDULED" FOR JUNE 4. AS REPORTED REFTEL B, FONMINISTRY NOW PRIVATELY HOPES SIGNING CAN BE HELD JUNE 16.

2. EMBASSY HOLDS COPIES OF TEXTS TRANSMITTED WITH A-80, AND THESE WERE USED AS REFERENCES IN BAZAN-STEVEN SESSIONS MAY 30. COPIES OF MAY 30 REVISED TEXTS WERE POUCHED JUNE 2 WITH EXPLANATORY LETTER TO GAITHER. PROPOSED CHANGES ARE MINOR AND EMERGED LARGELY AS RESULT OF BAZAN'S WISH TO HAVE SPANISH CONFORM AS CLOSELY AS POSSIBLE TO ENGLISH, WHICH HE VIEWED AS PRIME TEXT.

3. FYI. IN CONTRAST DEPT VIEW THAT "MISALIGNMENTS" IN CHILEAN DRAFT ARE DUE TO HIS DESIRE TO INSERT OWN STYLE, BAZAN APPEARED TO FEEL THAT FINAL SESSION OF APRIL 29 PRODUCED GOOD LAW BUT POOR LANGUAGE, DUE TO PRESSURE OF TIME, VARYING INDIVIDUAL SKILLS IN TWO TONGUES, AND NEED FOR INTERPRETATION. END FYI.

4. BAZAN AND STEVEN IDENTIFIED TWO POINTS WHICH DEPT MAY
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WISH TO CONSIDER PRIOR TO ARRIVAL LETTER TO GAITHER:

(A) ARTICLE VII REFERS IN ENGLISH TO "...COMMERCIAL AIRCRAFT CARRYING PASSENGERS..." WHICH SPANISH VERSION SAYS "...AERONAVE COMERCIAL DE PASAJEROS...". ENGLISH APPEARS TO REFER ONLY TO INSTANCES IN WHICH AIRCRAFT ACTUALLY HAS PASSENGERS ABOARD IN ADDITION TO CREW, WHILE SPANISH IS EQUIVALENT TO "COMMERCIAL PASSENGER PLANE", WHICH MAY OR MAY NOT HAVE PASSENGERS OTHER THAN CREW ABOARD. SAME AMBIGUITY EXISTS IN BOTH SPANISH AND PARAGUAYAN EXTRADITION TREATIES WITH U.S.; AND (B) ARTICLE IX, FINAL LINE, READS IN ENGLISH "...CONVICTION, UNTIL THE FULL EXECUTION OF THE PUNISHMENT". SPANISH READS "...CONDENADA, HASTA LA EXTINCION O EL CUMPLIMIENTO DE LA PENA." CONCEPT OF "EXTINCTION" OF SENTENCE IN SPANISH TEXT DOES NOT APPEAR IN ENGLISH VERSION, AND NEITHER BAZAN NOR STEVEN RECALLS THIS DIFFERENCE BEING DISCUSSED IN NEGOTIATIONS.

5. RE PARA 6 REFTTEL A: GOC PROPOSES TO USE INITIAL CAPITALS IN "PARTE", "TRATADO", AND "ARTICULO". SMALL INITIAL LETTER WILL BE USED IN "REQUERIDAZZ AND "REQUIRENTE", AND IN "PRESENT" WHEN IT APPEARS BEFORE "TREATY".
POPPER

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Message Attributes

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